

Attorney Docket No. LKMP:112US  
U.S. Patent Application No. 10/613,172  
Reply to Office Action of November 30, 2004  
RCE Dated: February 15, 2005

### **Remarks/Arguments**

#### **The Objection to the Specification Under 35 U.S.C. §132**

The Specification was objected to under 35 U.S.C. §132 for introducing new matter into the disclosure. Applicant respectfully traverses the objection, but has cancelled the matter in question as requested by the Examiner. For example, Applicant submits that a passenger compartment is inherently capable of and structurally configured to be a payload or instrument compartment and that this inherency would be readily apparent to one skilled in the art. Also, Applicant submits that hatches and ports are shown in Figures 10 to 15 and hatches and ports in an airship or a submersible are inherently capable of being made fluid-tight. Applicant respectfully submits that the amended specification is in compliance with 35 U.S.C. §132.

#### **Objections to the Drawings**

The Drawings were objected to under 37 CFR 1.83(a) for containing new matter. Applicant respectfully traverses the objection, as outlined above, but has modified Figures 6A, 6B, 6C, 10, 11, 12, 12A, 13, 14, and 15 to remove the matter referenced by the Examiner. Applicant respectfully submits that the revised Figures satisfy the requirements of 37 CFR 1.83(a).

#### **The Rejection of Claims 8 and 22 Under 35 U.S.C. §112**

The Examiner rejected Claims 8 and 22 under 35 U.S.C. §112 first paragraph as failing to comply with the written description requirement.

Applicant respectfully traverses the rejection. The “diaphragm shutter like fashion” recited in Claims 8 and 22 refers to the manner in which the opening is formed in the membrane. Figures 5A-5C and paragraph 19 of the specification support the diaphragm shutter like operation of the truss assembly. Figures 6A, 6B, and 6C illustrate the assembly of Figures 5A-5C covered by the flexible membrane, as supported by paragraph 20 of the specification. In Figures 6A-6C, the assembly is shown retracting in diaphragm shutter like fashion (i.e., the

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opening is forming as shown in Figures 5A-5C). The membrane is retracting in like manner. That is, the opening in the membrane is caused by and directly tracks the opening in the assembly. That is, the membrane is retracting responsive to the assembly. Thus, the membrane is retracting in the same “diaphragm shutter like fashion” as the assembly. Alternately stated, the membrane can stretch or be connected to the assembly in a variety of manners and still retract in a “diaphragm shutter like fashion,” since, in each case, the opening of the membrane is forming in a “diaphragm shutter like fashion.”

Applicant respectfully submits that Claims 8 and 22 are compliant with 35 U.S.C. §112, and reconsideration is requested.

The Rejection of Claims 1-3, 5-7, 9, 10, 12, 13, 15-17, 19-21, 23, 24, 26, and 27 Under 35 U.S.C. §102

The Examiner rejected Claims 1-3, 5-7, 9, 10, 12, 13, 15-17, 19-21, 23, 24, 26, and 27 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,619,224 (Syfritt). Applicant respectfully traverses the rejection.

Anticipation requires all the elements of the claim be taught within the four corners of a single reference. Claims 1 and 15 have been amended to recite “an *arcuate* truss assembly.” The amendments are supported by Figures 1 to 15, all of which shown an arcuate truss assembly. For example, Figures 1 to 4B show an arcuate assembly (40) on a waterborne vessel. Figures 5A-6C show truss assemblies 110 and 210, respectively, with arcuate circumferences. Figures 10-15 show arcuate hulls for vessels.

Syfritt does not teach an arcuate truss assembly

Syfritt does not teach an arcuate truss assembly as recited in amended Claims 1 and 15. Assuming *arguendo* that Syfritt teaches a truss assembly, Syfritt teaches a planar, that is, non-arcuate assembly as shown in Figures 1 and 5A to 11C and Figures 12 to 20. For example, assuming *arguendo* that tie members 61 form a truss assembly, the planar, that is non-arcuate, shape of the assembly is shown in Figures 7-10. Further, the planar shape of the assembly is

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reflected in the planar shapes formed by panels 76-79 in Figures 11A-11C, which mirror the shape of the assembly. Thus, Syfritt's truss assemblies are not arcuate.

Syfritt does not teach a submersible vessel

Regarding Claims 13 and 27, the Examiner has stated that "submersible" vessel means the vessel can be "at least partially underwater." Applicant disagrees with the Examiner's definition. The Merriam-Webster Dictionary defines submersible as: "capable of being submerged." Submerge is defined as: "to put or plunge *under* (emphasis added) the surface of water." Syfritt's vessel is not capable of plunging under the surface of the water, rather, it rides upon the surface of the water. Applicant submits that the accepted definition of a submersible vessel in the art refers to a vessel that can be fully submerged, not just partially submerged, and that nothing in the present invention specification or claims teaches against this accepted definition.

Syfritt does not disclose the claimed invention element of an arcuate truss assembly. Therefore, Syfritt cannot anticipate the invention of Claims 1 and 15. Claims 2, 3, 5-7, 9, 10, 12, and 13, dependent from Claim 1, also enjoy the same distinctions from the cited prior art. Claims 16, 17, 19-21, 23, 24, 26, and 27, dependent from Claim 15, also enjoy the same distinctions from the cited prior art. Applicant requests that the rejection be withdrawn.

The Rejection of Claims 1, 5, 7, 14, 15, 19, 21, and 28 Under 35 U.S.C. §102

The Examiner rejected Claims 1, 5, 7, 14, 15, 19, 21, and 28, under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,005,783 (Taylor). Applicant respectfully traverses the rejection.

Anticipation requires that all of the elements of the claim be taught within the four corners of a single reference.

Taylor does not teach an arcuate truss assembly

Taylor does not teach an arcuate truss assembly as recited in amended Claims 1 and 15. Assuming *arguendo* that Taylor teaches a truss assembly, Taylor teaches a planar, that is, non-arcuate assembly. For example, assuming *arguendo* that spars 9-11 form a truss assembly, the

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planar, that is non-arcuate, shape of the assembly is shown in Figure 4. Thus, Taylor's truss assembly is not arcuate.

Taylor does not describe the claimed invention element of an arcuate truss assembly. Therefore, Taylor cannot anticipate the invention of Claims 1 and 15. Claims 5, 7, and 14, dependent from Claim 1, also enjoy the same distinctions from the cited prior art. Claims 19, 21, and 28, dependent from Claim 15, also enjoy the same distinctions from the cited prior art. The Applicant requests that the rejection be withdrawn.

The Objection of Claims 4, 11, 18, and 24 as Being Dependent Upon a Rejected Base Claim

Claims 4, 11, 18, and 24 were objected to as being dependent upon a rejected base claim, but the Examiner indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended Claims 1 and 15 to overcome the rejections cited in the Office Action. Therefore, Applicant respectfully submits that Claims 4 and 11, dependent from Claim 1, no longer depend upon a rejected base claim; and, Claims 18 and 24, dependent from Claim 15, no longer depend upon a rejected base claim. Applicant respectfully submits that these claims are now in condition for allowance, which action is courteously requested.

Claims 8 and 22 are allowable if the rejections under 35 U.S.C. §112 first paragraph are overcome.

Applicant respectfully submits that the rejections under 35 U.S.C. §112 first paragraph have been overcome and that Claims 8 and 22 are now in condition for allowance, which action is courteously requested.

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**Conclusion**

Applicant respectfully submits that all pending claims are now in condition for allowance, which action is courteously requested.

Respectfully submitted,



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**Appendix**

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**Amendments to the Drawings**

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